

AUG 30 2007

JEANNE G. QUINATA
Clerk of Court

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et al.*,

Petitioners,

v.

FELIX P. CAMACHO, *et al.*,

Respondents.

Civil Case No. 04-00006

CHARMAINE R. TORRES, *et al.*,

Plaintiffs,

v.

GOVERNMENT OF GUAM, *et al.*,

Defendants.

Civil Case No. 04-00038

MARY GRACE SIMPAO, *et al.*,

Plaintiffs,

v.

GOVERNMENT OF GUAM,

Defendant,

v.

FELIX P. CAMACHO, Governor of Guam

Intervenor-Defendant.

Civil Case No. 04-00049

**MOTION TO ORDER
COMPLIANCE WITH COURT'S
ORDER OF 25 JUNE 2007**

ORIGINAL

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1 **MOTION**

2 **COMES NOW** Objector Mary Grace Simpao and Janice Cruz and prays this Court issue an
3 Order commanding the Defendants to comply with its order issued 25 June 2007. Alternatively,
4 Objectors ask this Court to order a schedule of publication to be filed. In that Order this Court
5 stated that following the continuance of the fairness hearing to September 20, 2007,

6 "Defendants shall cause to be published notice of such continuance in the Pacific Daily
7 News, a newspaper of general circulation. Said notice shall be published twice – on one
8 weekday and on a Sunday – of two separate calendar weeks. This published notice shall be
9 designed to catch the attention of the class members to whom it applies. Furthermore, said
notice shall also be prominently posted on the internet site for the Government of Guam,
Governor of Guam, and Department of Taxation."

10 *Order, J. Tydingco-Gatewood, 25 June 2007.*

11 **FACTS RELEVANT TO THE MOTION**

- 12 1. This Court issued a lawful order on 25 June 2007 to affect notice to the class of a continued
fairness hearing.
13 2. As of the date of this motion, no such notice has been posted nor otherwise published. *See*
Declaration Thomas J. Fisher.
14 3. There are three calendar weeks obtaining between the filing of this motion and the fairness
15 hearing.

16 **MEMORANDUM OF POINTS AND AUTHORITY**

17 This Court has issued a lawful order to Defendants. A court has the authority to enforce its own
orders. *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 106
18 S.Ct. 3088, fn. 6 (1986). Notice in this instance is designed to protect a fundamental
Constitutional right. *See Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S.Ct.
19 652 (1950). Defendant must comply with the Order and do so immediately.

20 **WHEREFORE** Objectors Pray this Court order Defendant to comply with its Order.
21

22 By: 

23 Thomas J. Fisher
Attorney for Objectors
24

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